

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )  
)  
)  
)  
SARAH LOUISE KOCH, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. A61504 )  
)  
Respondent )  
\_\_\_\_\_ )**

**Case No. 800-2017-033079**

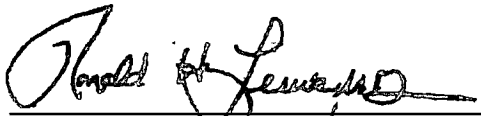
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on March 2, 2018.**

**IT IS SO ORDERED: January 31, 2018.**

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
**Ronald Lewis, M.D., Chair  
Panel A**

1 XAVIER BECERRA  
ATTORNEY GENERAL OF CALIFORNIA  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
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6 *Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2017-033079

12 **SARAH LOUISE KOCH, M.D.**  
13 5848 Mitchell Canyon Court  
Clayton, CA 94517

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Physician's and Surgeon's Certificate No. A61504

15 Respondent.

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
17 entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
20 of California (Board). She brought this action solely in her official capacity and is represented in  
21 this matter by Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon,  
22 Supervising Deputy Attorney General.

23 2. Respondent Sarah Louise Koch, M.D. (Respondent) is represented in this proceeding  
24 by Matthew P. Guichard of Guichard, Teng, Portello & Garrett, 101 Ygnacio Valley Road, Suite  
25 112, Walnut Creek, CA 94596.

26 3. On January 17, 1997, the Board issued Physician's and Surgeon's Certificate No.  
27 A61504 to Sarah Louise Koch, M.D. (Respondent). The Physician's and Surgeon's Certificate  
28

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-  
2 2017-033079 and will expire on July 31 2018, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 800-2017-033079 (Accusation) was filed before the Medical Board  
5 of California, Department of Consumer Affairs, and is currently pending against Respondent.  
6 The Accusation and all other statutorily required documents were properly served on Respondent,  
7 who timely filed her Notice of Defense contesting the Accusation. A copy of the Accusation is  
8 attached as Exhibit A.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in the Accusation. Respondent has also carefully read, fully discussed  
12 with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order  
13 (Stipulation).

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
16 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
18 documents; the right to reconsideration and court review of an adverse decision; and all other  
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent understands and agrees that the charges and allegations in the  
24 Accusation, if proven at a hearing, constitute cause for imposing discipline upon her Physician's  
25 and Surgeon's Certificate.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
27 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
28

1 and legal basis for the charges in the Accusation, and that Respondent hereby gives up her right to  
2 contest those charges.

3 10. Respondent agrees that if she ever petitions for early termination or modification of  
4 probation, or if the Board ever petitions for revocation of probation, all of the charges and  
5 allegations contained in Accusation No. 800-2017-033079 shall be deemed true, correct and fully  
6 admitted by Respondent for purposes of that proceeding or any other licensing proceeding  
7 involving Respondent in the State of California.

8 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
9 discipline and she agrees to be bound by the Board's probationary terms as set forth in the  
10 Disciplinary Order below.

11 **CONTINGENCY**

12 12. This Stipulation shall be subject to approval by the Board. Respondent understands  
13 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
14 with the Board regarding this Stipulation, without notice to or participation by Respondent or her  
15 counsel. By signing the Stipulation, Respondent understands and agrees that she may not  
16 withdraw her agreement or seek to rescind the Stipulation prior to the time the Board considers  
17 and acts upon it. If the Board fails to adopt this Stipulation as its Decision and Order, the  
18 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
19 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
20 be disqualified from further action by having considered this matter.

21 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
22 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
23 signatures thereto, shall have the same force and effect as the originals.

24 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
25 the Board may, without further notice or formal proceeding, issue and enter the following  
26 Disciplinary Order:

27 ///

28 ///

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A61504 issued to Respondent Sarah Louise Koch, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for seven (7) years on the following terms and conditions.

1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

If Respondent has a confirmed positive biological fluid test for any substance (whether or not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Respondent shall not resume the practice of medicine until the final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 30 days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of the matter.

Within 15 days of receipt by the Board of the Administrative Law Judge's Proposed Decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its Decision within 15 days of submission of the case, unless good cause can be shown for the delay. Good cause includes, but is not limited to, non-adoption

1 of the Proposed Decision, request for reconsideration, remands and other interlocutory orders  
2 issued by the Board. The cessation of practice shall not apply to the reduction of the probationary  
3 time period.

4 If the Board does not file an accusation or petition to revoke probation within 30 days of the  
5 issuance of the notification to cease practice or does not provide Respondent with a hearing  
6 within 30 days of a such a request, the notification of cease practice shall be dissolved

7 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from  
8 the use of products or beverages containing alcohol.

9 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall  
10 receive a notification from the Board or its designee to immediately cease the practice of  
11 medicine. The Respondent shall not resume the practice of medicine until the final decision on an  
12 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to  
13 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.  
14 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the  
15 Board shall provide the Respondent with a hearing within 30 days of the request, unless the  
16 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge  
17 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of  
18 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's Proposed  
19 Decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the  
20 case is heard by the Board, the Board shall issue its Decision within 15 days of submission of the  
21 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,  
22 non-adoption of the Proposed Decision, request for reconsideration, remands and other  
23 interlocutory orders issued by the Board. The cessation of practice shall not apply to the  
24 reduction of the probationary time period.

25 If the Board does not file an accusation or petition to revoke probation within 30 days of the  
26 issuance of the notification to cease practice or does not provide Respondent with a hearing  
27 within 30 days of a such a request, the notification of cease practice shall be dissolved.

1           3.       PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar  
2 days of the effective date of this Decision, Respondent shall enroll in a Professionalism Program,  
3 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
4 Respondent shall participate in and successfully complete that Program. Respondent shall  
5 provide any information and documents that the Program may deem pertinent. Respondent shall  
6 successfully complete the classroom component of the Program not later than six (6) months after  
7 Respondent's initial enrollment, and the longitudinal component of the Program not later than the  
8 time specified by the Program, but no later than one (1) year after attending the classroom  
9 component. The Professionalism Program shall be at Respondent's expense and shall be in  
10 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

11           A Professionalism Program taken after the acts that gave rise to the charges in the  
12 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
13 or its designee, be accepted towards the fulfillment of this condition if the Program would have  
14 been approved by the Board or its designee had the Program been taken after the effective date of  
15 this Decision.

16           Respondent shall submit a certification of successful completion to the Board or its  
17 designee not later than 15 calendar days after successfully completing the Program or not later  
18 than 15 calendar days after the effective date of the Decision, whichever is later.

19           4.       PSYCHOTHERAPY/EVALUATIONS. Within 60 calendar days of the effective  
20 date of this Decision, Respondent shall submit to the Board or its designee for prior approval the  
21 name and qualifications of a California-licensed board certified psychiatrist or a licensed  
22 psychologist who has a doctoral degree in psychology and at least five years of postgraduate  
23 experience in the diagnosis and treatment of emotional and mental disorders. Upon approval,  
24 Respondent shall undergo and continue psychotherapy treatment, including any modifications to  
25 the frequency of psychotherapy, until the Board or its designee deems that no further  
26 psychotherapy is necessary.

27           The treating psychotherapist shall consider any information provided by the Board or its  
28 designee and any other information the psychotherapist deems relevant and shall furnish a written

1 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
2 psychotherapist with any information and documents that the psychotherapist may deem  
3 pertinent. Respondent shall have the treating psychotherapist submit quarterly status reports to the  
4 Board or its designee.

5 Over the course of probation, the Board or its designee may require Respondent to undergo  
6 psychiatric and/or substance abuse evaluations by a Board-appointed board certified psychiatrist,  
7 who shall consider any information provided by the Board or its designee and any other  
8 information the evaluator deems relevant. The evaluator shall furnish a written evaluation report  
9 to the Board or its designee. Respondent shall cooperate fully with any requested evaluations,  
10 and shall comply with all restrictions or conditions recommended by the evaluating psychiatrist  
11 within 15 calendar days after being notified by the Board or its designee. If, prior to the  
12 completion of probation, Respondent is found to be mentally unfit to practice medicine without  
13 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
14 period of probation shall be extended until the Board determines that Respondent is mentally fit  
15 to resume the practice of medicine without restrictions.

16 Respondent shall pay the cost of all psychotherapy and psychiatric and/or substance abuse  
17 evaluations.

18 5. NO SOLO PRACTICE. Respondent is prohibited from engaging in the solo  
19 practice of medicine. Prohibited solo practice includes, but is not limited to, a practice where:  
20 1) Respondent merely shares office space with another physician but is not affiliated for  
21 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
22 location.

23 If Respondent fails to establish a practice with another physician or secure employment  
24 in an appropriate practice setting within 60 calendar days of the effective date of this  
25 Decision, Respondent shall receive a notification from the Board or its designee to cease the  
26 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
27 not resume practice until an appropriate practice setting is established.

28 If, during the course of the probation, Respondent's practice setting changes and



Respondent is no longer practicing in a setting in compliance with this Decision, Respondent shall notify the Board or its designee within 5 calendar days of the practice setting change. If Respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the practice setting change, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall not resume practice until an appropriate practice setting is established.

#### **UNIFORM STANDARDS FOR SUBSTANCE-ABUSING LICENSEES**

6. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS. Within thirty (30) calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as may be required by the Board or its designee, Respondent shall undergo and complete a clinical diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed board certified physician and surgeon. The examiner shall consider any information provided by the Board or its designee and any other information he or she deems relevant, and shall furnish a written evaluation report to the Board or its designee.

The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of physicians and surgeons with substance abuse disorders, and is approved by the Board or its designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable professional standards for conducting substance abuse clinical diagnostic evaluations. The evaluator shall not have a current or former financial, personal, or business relationship with Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and independent evaluation. The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a threat to herself or others, and recommendations for substance abuse treatment, practice restrictions, or other recommendations related to Respondent's rehabilitation and ability to practice safely. If the evaluator determines during the evaluation process that Respondent is a threat to herself or others, the evaluator shall notify the Board within twenty-four (24) hours of

1 such a determination.

2 In formulating his or her opinion as to whether Respondent is safe to return to either part-  
3 time or full-time practice and what restrictions or recommendations should be imposed, including  
4 participation in an inpatient or outpatient treatment program, the evaluator shall consider the  
5 following factors: Respondent's license type; Respondent's history; Respondent's documented  
6 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);  
7 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical  
8 history and current medical condition; the nature, duration and severity of Respondent's  
9 substance abuse problem or problems; and whether Respondent is a threat to herself or the  
10 public.

11 For all clinical diagnostic evaluations, a final written report shall be provided to the Board  
12 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator  
13 requests additional information or time to complete the evaluation and report, an extension may  
14 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally  
15 assigned the matter.

16 The Board shall review the clinical diagnostic evaluation report within five (5) business  
17 days of receipt to determine whether Respondent is safe to return to either part-time or full-time  
18 practice and what restrictions or recommendations shall be imposed on Respondent based on the  
19 recommendations made by the evaluator. Respondent shall not be returned to practice until she  
20 has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating  
21 that she has not used, consumed, ingested, or administered to herself a prohibited substance, as  
22 defined in section 1361.51, subdivision (e), of Title 16 of the California Code of Regulations.

23 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall  
24 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic  
25 evaluations, including any and all testing deemed necessary by the examiner, the Board or its  
26 designee, shall be borne by the licensee.

27 Respondent shall not engage in the practice of medicine until notified by the Board or its  
28 designee that she is fit to practice medicine safely. The period of time that Respondent is not

1 practicing medicine shall not be counted toward completion of the term of probation. Respondent  
2 shall undergo biological fluid testing as required in this Decision at least two (2) times per week  
3 while awaiting the notification from the Board if she is fit to practice medicine safely.

4 Respondent shall comply with all restrictions or conditions recommended by the examiner  
5 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified  
6 by the Board or its designee.

7 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven  
8 (7) days of the effective date of this Decision, Respondent shall provide to the Board the names,  
9 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
10 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
11 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
12 Respondent's work status, performance, and monitoring.

13 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
14 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
15 privileges.

16 8. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
17 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
18 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
19 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
20 make daily contact with the Board or its designee to determine whether biological fluid testing is  
21 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
22 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
23 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
24 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
25 basis. The cost of biological fluid testing shall be borne by the Respondent.

26 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
27 During the second year of probation and for the duration of the probationary term, up to five (5)  
28 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there have been no

1 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing  
2 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number  
3 of random tests to the first-year level of frequency for any reason.

4 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
5 approved in advance by the Board or its designee, that will conduct random, unannounced,  
6 observed, biological fluid testing and meets all of the following standards:

7 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
8 Association or have completed the training required to serve as a collector for the United  
9 States Department of Transportation.

10 (b) Its specimen collectors conform to the current United States Department of  
11 Transportation Specimen Collection Guidelines.

12 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
13 by the United States Department of Transportation without regard to the type of test  
14 administered.

15 (d) Its specimen collectors observe the collection of testing specimens.

16 (e) Its laboratories are certified and accredited by the United States Department of Health  
17 and Human Services.

18 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
19 of receipt and all specimens collected shall be handled pursuant to chain of custody  
20 procedures. The laboratory shall process and analyze the specimens and provide legally  
21 defensible test results to the Board within seven (7) business days of receipt of the  
22 specimen. The Board will be notified of non-negative results within one (1) business day  
23 and will be notified of negative test results within seven (7) business days.

24 (g) Its testing locations possess all the materials, equipment, and technical expertise  
25 necessary in order to test Respondent on any day of the week.

26 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
27 for the detection of alcohol and illegal and controlled substances.

28 (i) It maintains testing sites located throughout California.

1 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
2 computer database that allows the Respondent to check in daily for testing.

3 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
4 access to drug test results and compliance reporting information that is available 24 hours a  
5 day.

6 (l) It employs or contracts with toxicologists that are licensed physicians and have  
7 knowledge of substance abuse disorders and the appropriate medical training to interpret  
8 and evaluate laboratory biological fluid test results, medical histories, and any other  
9 information relevant to biomedical information.

10 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
11 while practicing, even if the Respondent holds a valid prescription for the substance.

12 Prior to changing testing locations for any reason, including during vacation or other travel,  
13 alternative testing locations must be approved by the Board and meet the requirements above.

14 The contract shall require that the laboratory directly notify the Board or its designee of  
15 non-negative results within one (1) business day and negative test results within seven (7)  
16 business days of the results becoming available. Respondent shall maintain this laboratory or  
17 service contract during the period of probation.

18 A copy of any laboratory test result may be received in evidence in any proceedings  
19 between the Board and Respondent.

20 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
21 administered to herself a prohibited substance, the Board shall order Respondent to cease practice  
22 and instruct Respondent to leave any place of work where Respondent is practicing medicine or  
23 providing medical services. The Board shall immediately notify all of Respondent's employers,  
24 supervisors and work monitors, if any, that Respondent may not practice medicine or provide  
25 medical services while the cease-practice order is in effect.

26 A biological fluid test will not be considered negative if a positive result is obtained while  
27 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
28 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

1 After the issuance of a cease-practice order, the Board shall determine whether the positive  
2 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
3 specimen collector and the laboratory, communicating with the licensee, his or her treating  
4 physician(s), other health care provider, or group facilitator, as applicable.

5 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
6 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

7 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
8 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
9 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
10 instructed by the Board not to use, consume, ingest, or administer to herself.

11 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
12 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
13 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
14 any other terms or conditions the Board determines are necessary for public protection or to  
15 enhance Respondent's rehabilitation.

16 9. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days  
17 of the effective date of this Decision, Respondent shall submit to the Board or its designee, for its  
18 prior approval, the name of a substance abuse support group which she shall attend for the  
19 duration of probation. Respondent shall attend substance abuse support group meetings at least  
20 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance  
21 abuse support group meeting costs.

22 The facilitator of the substance abuse support group meeting shall have a minimum of three  
23 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed  
24 or certified by the state or nationally certified organizations. The facilitator shall not have a  
25 current or former financial, personal, or business relationship with Respondent within the last five  
26 (5) years. Respondent's previous participation in a substance abuse group support meeting led by  
27 the same facilitator does not constitute a prohibited current or former financial, personal, or  
28 business relationship.

1 The facilitator shall provide a signed document to the Board or its designee showing  
2 Respondent's name, the group name, the date and location of the meeting, Respondent's  
3 attendance, and Respondent's level of participation and progress. The facilitator shall report any  
4 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
5 or its designee, within twenty-four (24) hours of the unexcused absence.

6 10. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within  
7 thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to the  
8 Board or its designee for prior approval as a worksite monitor, the name and qualifications of one  
9 or more licensed physician and surgeon, other licensed health care professional if no physician  
10 and surgeon is available, or, as approved by the Board or its designee, a person in a position of  
11 authority who is capable of monitoring the Respondent at work.

12 The worksite monitor shall not have a current or former financial, personal, or familial  
13 relationship with Respondent, or any other relationship that could reasonably be expected to  
14 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
15 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
16 monitor, this requirement may be waived by the Board or its designee, however, under no  
17 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

18 The worksite monitor shall have an active unrestricted license with no disciplinary action  
19 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
20 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
21 by the Board or its designee.

22 Respondent shall pay all worksite monitoring costs.

23 The worksite monitor shall have face-to-face contact with Respondent in the work  
24 environment on as frequent a basis as determined by the Board or its designee, but not less than  
25 once per week; interview other staff in the office regarding Respondent's behavior, if requested  
26 by the Board or its designee; and review Respondent's work attendance.

27 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
28 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected

1 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
2 be made to the Board or its designee within one (1) hour of the next business day. A written  
3 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
4 any other information deemed important by the worksite monitor shall be submitted to the Board  
5 or its designee within 48 hours of the occurrence.

6 The worksite monitor shall complete and submit a written report monthly or as directed by  
7 the Board or its designee which shall include the following: (1) Respondent's name and  
8 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
9 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
10 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
11 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
12 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
13 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
14 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
15 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

16 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
17 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
18 approval, the name and qualifications of a replacement monitor who will be assuming that  
19 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
20 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
21 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
22 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
23 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
24 responsibility.

25 11. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
26 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
27 probation.

28 A. If Respondent commits a major violation of probation as defined by section



1 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
2 one or more of the following actions:

3 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
4 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
5 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
6 order issued by the Board or its designee shall state that Respondent must test negative for at least  
7 a month of continuous biological fluid testing before being allowed to resume practice. For  
8 purposes of determining the length of time a Respondent must test negative while undergoing  
9 continuous biological fluid testing following issuance of a cease-practice order, a month is  
10 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until  
11 notified in writing by the Board or its designee that she may do so.

12 (2) Increase the frequency of biological fluid testing.

13 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
14 other action as determined by the Board or its designee.

15 B. If Respondent commits a minor violation of probation as defined by section  
16 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
17 one or more of the following actions:

18 (1) Issue a cease-practice order;

19 (2) Order practice limitations;

20 (3) Order or increase supervision of Respondent;

21 (4) Order increased documentation;

22 (5) Issue a citation and fine, or a warning letter;

23 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
24 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
25 Regulations, at Respondent's expense;

26 (7) Take any other action as determined by the Board or its designee.

27 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
28 to revoke Respondent's probation if she has violated any term or condition of probation. If

1 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
2 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
3 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
4 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
5 is final, and the period of probation shall be extended until the matter is final.

6 **STANDARD TERMS AND CONDITIONS**

7 12. **NOTIFICATION.** Within seven (7) days of the effective date of this Decision, the  
8 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
9 Chief Executive Officer at every hospital where privileges or membership are extended to  
10 Respondent, at any other facility where Respondent engages in the practice of medicine,  
11 including all physician and locum tenens registries or other similar agencies, and to the Chief  
12 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
13 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
14 calendar days.

15 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

16 13. **SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE**  
17 **NURSES.** During probation, Respondent is prohibited from supervising physician assistants and  
18 advanced practice nurses.

19 14. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws, all  
20 rules governing the practice of medicine in California and remain in full compliance with any  
21 court ordered criminal probation, payments, and other orders.

22 15. **QUARTERLY DECLARATIONS.** Respondent shall submit quarterly  
23 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
24 been compliance with all the conditions of probation.

25 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
26 of the preceding quarter.

27 ///

28 ///

1           16.       GENERAL PROBATION REQUIREMENTS.

2           Compliance with Probation Unit

3           Respondent shall comply with the Board's probation unit.

4           Address Changes

5           Respondent shall, at all times, keep the Board informed of Respondent's business and  
6 residence addresses, email address (if available), and telephone number. Changes of such  
7 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
8 circumstances shall a post office box serve as an address of record, except as allowed by Business  
9 and Professions Code section 2021(b).

10          Place of Practice

11          Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
12 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
13 facility.

14          License Renewal

15          Respondent shall maintain a current and renewed California physician's and surgeon's  
16 license.

17          Travel or Residence Outside California

18          Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
19 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
20 (30) calendar days.

21          In the event Respondent should leave the State of California to reside or to practice,  
22 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
23 departure and return.

24       17.       INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
25 available in person upon request for interviews either at Respondent's place of business or at the  
26 probation unit office, with or without prior notice throughout the term of probation.

27       18.       NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board  
28 or its designee in writing within 15 calendar days of any periods of non-practice lasting more than

1 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
2 defined as any period of time Respondent is not practicing medicine as defined in Business and  
3 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
4 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
5 Respondent resides in California and is considered to be in non-practice, Respondent shall  
6 comply with all terms and conditions of probation. All time spent in an intensive training  
7 program which has been approved by the Board or its designee shall not be considered non-  
8 practice and does not relieve Respondent from complying with all the terms and conditions of  
9 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
10 on probation with the medical licensing authority of that state or jurisdiction shall not be  
11 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
12 period of non-practice.

13 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
14 months, Respondent shall successfully complete the Federation of State Medical Board's Special  
15 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
16 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
17 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

18 Respondent's period of non-practice while on probation shall not exceed two (2) years.

19 Periods of non-practice will not apply to the reduction of the probationary term.

20 Periods of non-practice for a Respondent residing outside of California will relieve  
21 Respondent of the responsibility to comply with the probationary terms and conditions with the  
22 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
23 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
24 Controlled Substances; and Biological Fluid Testing.

25 19. COMPLETION OF PROBATION. Respondent shall comply with all financial  
26 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
27 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
28 be fully restored.

1           20.     **VIOLATION OF PROBATION.** Failure to fully comply with any term or  
2 condition of probation is a violation of probation. If Respondent violates probation in any  
3 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke  
4 probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to  
5 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,  
6 the Board shall have continuing jurisdiction until the matter is final, and the period of probation  
7 shall be extended until the matter is final.

8           21.     **LICENSE SURRENDER.** Following the effective date of this Decision, if  
9 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
10 the terms and conditions of probation, Respondent may request to surrender her license. The  
11 Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
12 determining whether or not to grant the request, or to take any other action deemed appropriate  
13 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
14 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
15 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
16 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
17 application shall be treated as a petition for reinstatement of a revoked certificate.

18           22.     **PROBATION MONITORING COSTS.** Respondent shall pay the costs associated  
19 with probation monitoring each and every year of probation, as designated by the Board, which  
20 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
21 California and delivered to the Board or its designee no later than January 31 of each calendar  
22 year.

23                                   **ACCEPTANCE**

24           I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
25 discussed it with my attorney, Matthew P. Guichard. I understand the stipulation and the effect it  
26 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and

27     ///

1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
2 Decision and Order of the Board.

3  
4 DATED: 1/10/2018

  
5 **SARAH LOUISE KOCH, M.D.**  
6 *Respondent*

7 I have read and fully discussed with Respondent Sarah Louise Koch, M.D. the terms and  
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
9 I approve its form and content.

10 DATED: 1-11-18

  
11 **MATTHEW P. GUICHARD**  
12 *Attorney for Respondent*

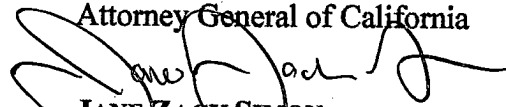
13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
15 submitted for consideration by the Medical Board of California.

16 Dated: 1/11/2018

17 Respectfully submitted,

18 **XAVIER BECERRA**  
19 *Attorney General of California*

  
20 **JANE ZACK SIMON**  
21 *Supervising Deputy Attorney General*  
22 *Attorneys for Complainant*

## **Exhibit A**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 State Bar No. 116564  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5544  
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Email: [janezack.simon@doj.ca.gov](mailto:janezack.simon@doj.ca.gov)

6 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO OCT 24 2017  
BY: [Signature] ANALYST

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 800-2017-033079

11 **Sarah Louise Koch, M.D.**  
12 5848 Mitchell Canyon Court  
13 Clayton, CA 94517

**A C C U S A T I O N**

14 Physician's and Surgeon's Certificate  
No. A61504,

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
21 Affairs (Board).

22 2. On January 17, 1997, the Medical Board issued Physician's and Surgeon's Certificate  
23 Number A61504 to Sarah Louise Koch, M.D. (Respondent). The Physician's and Surgeon's  
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on July 31, 2018, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.



1           4.     Section 2227 of the Code provides that a licensee who is found guilty under the  
2 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
3 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
4 action taken in relation to discipline as the Board deems proper.

5           5.     Section 2234 of the Code provides that the Board shall take action against any  
6 licensee who is charged with unprofessional conduct.

7           6.     Section 2239 of the Code provides that it is unprofessional conduct for a licensee to  
8 use alcohol, dangerous drugs or controlled substances to the extent or in such a manner as to be  
9 dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that  
10 such use impairs the ability of the licensee to practice medicine safely.

11          7.     Code section 822 provides that the Board may take action if a licensee's ability to  
12 practice his or her profession safely is impaired because of mental or physical illness.

13                               **FIRST CAUSE FOR DISCIPLINE**

14                               **(Use of Alcohol in a Dangerous Manner)**

15          8.     On April 27, 2017, an employee of an elementary school in Concord, California  
16 called the police department to report that an intoxicated parent, later identified as Respondent,  
17 had arrived at the school to pick up her ten year old child<sup>1</sup>. Another parent observed Dr. Koch  
18 stumble out of her vehicle, leaving the vehicle unlocked with the key inside and the windows  
19 rolled down. The parent removed the keys and gave them to the principal. Dr. Koch told  
20 responding police officers she had not consumed any alcohol, but that she took a muscle relaxant  
21 for back pain at noon. Her eyes were observed to be watery, her speech slurred, and she reeked  
22 of alcohol. Dr. Koch performed very poorly on field sobriety tests, and refused to submit to a  
23 chemical test. Respondent was arrested, a search warrant was issued, and a blood sample was  
24 taken. The blood analysis showed a blood alcohol content of .321%, four times the legal limit.

25  
26  
27  
28                               <sup>1</sup> The school principal and another parent informed police officers that this was not the  
first time Dr. Koch had driven to school intoxicated to pick up her son.

1           9.       Respondent's certificate is subject to disciplinary action for unprofessional  
2 conduct pursuant to sections 2234 and/or 2239 of the Code, in that she used alcoholic beverages  
3 to such an extent or in a manner as to be dangerous to herself, others and the public.

4                               **SECOND CAUSE FOR DISCIPLINE**

5                                       **(Alcohol Abuse)**

6           10.     On September 12, 2017, Respondent was interviewed by a Medical Board  
7 investigator. Respondent stated that she was an alcoholic, had been an alcoholic for many years,  
8 and that she had frequently driven her automobile while under the influence of alcohol.  
9 Respondent provided documentation showing that she had sought treatment for her alcoholism in  
10 July 2017, and that she was diagnosed at that time with a severe alcohol abuse disorder.

11          11.     Respondent's certificate is subject to Board action pursuant to Business and  
12 Professions Code section 822 in that Respondent's substance abuse disorder impairs her ability to  
13 safely practice medicine.

14                               **PRAYER**

15          WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Medical Board of California issue a decision:


17          1.     Revoking or suspending Physician's and Surgeon's Certificate Number A61504,  
18 issued to Sarah Louise Koch, M.D.;

19          2.     Revoking, suspending or denying approval of Sarah Louise Koch, M.D. to supervise  
20 physician assistants and advanced practice nurses;

21          3.     Ordering Sarah Louise Koch, M.D., if placed on probation, to pay the Board the costs  
22 of probation monitoring; and

23          4.     Taking such other and further action as deemed necessary and proper.

24       DATED:                       October 24, 2017

25                                         
26                                       KIMBERLY KIRCHMEYER  
27                                       Executive Director  
28                                       Medical Board of California  
                                      Department of Consumer Affairs  
                                      State of California  
                                      Complainant